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## GORDON BROS. v. CITY OF NEWPORT NEWS.

June 16, 1904.

TAXATION—POWER OF CITIES—LICENSE TAX—TAILORS.

1. Under Const. Art 13, sec. 170, providing that the General Assembly may levy a license tax on any business which cannot be reached by the *ad valorem* system, whether a business can be so reached is a question for the legislature or the municipality, and the courts will not interfere except in the case of a plain departure from the constitutional requirement.

## STANDARD OIL CO. v. WAKEFIELD'S ADM'R.

June 16, 1904.

DEATH—DAMAGES—TORTS—USE OF DANGEROUS ARTICLE—CONTRACT RELATIONS—GAS NAPHTHA—EXPLOSION—PROXIMATE CAUSE—INTERVENING ACT—HARMLESS ERROR—EVIDENCE—SUFFICIENCY—CORPORATIONS—AGENTS—NOTICE.

1. Gas naphtha, being a dangerous article, a company shipping a tank of it to a city was liable for the death of a city employee, caused, while attempting to unload the tank, by the negligent manner said company had closed the discharge pipe of the tank.

2. Defendant's negligence in failing to close a valve in the discharge pipe of a tank of gas naphtha, which it shipped to a city, was the proximate cause of the death of a city employee occurring from an explosion on the intervening act of the city in removing the cap from the pipe in an attempt to unload the tank in the ordinary manner.

3. Where a city employee was killed while attempting to unload gas naphtha shipped to the city, any error, in certain counts of a petition therefor against the shipper, in failing to allege that plaintiff's decedent was an employee of the city, was harmless in view of evidence proving that fact.

4. In an action for the death of plaintiff's decedent from an explosion occurring while he was attempting to unload a tank of gas naphtha shipped by defendant, evidence examined, and *held* that the question of contributory negligence was for the jury.

5. Evidence that the agent of a corporation engaged in selling oil supervised the filling of the tank cars for delivery to purchasers, and had been at the gasworks of one of its purchasers one or more times under an understanding with such purchaser to notify the corporation's employees when assistance was needed in unloading leaking tanks, and knew or had opportunity of knowing the conditions under which the tanks were there unloaded, tended to sustain the hypothesis of an instruction treating his knowledge as notice to the corporation.

## RICHMOND &amp; P. ELECTRIC RY. CO. v. RUBIN.

June 16, 1904.

STREET RAILROADS—ELECTRICITY—TROLLEY WIRES—INTERSECTING LINES—FIRE—LIABILITY—CONTRIBUTORY NEGLIGENCE—WITNESSES—LEADING QUESTIONS—HARMLESS ERROR—EXPERT TESTIMONY—BILL OF EXCEPTIONS.

1. Where plaintiff's goods were burned by fire caused by an electric current introduced by telephone wires coming in contact with the live wires of an in-